

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL BOWEN,

Plaintiff,

-against-

COHEN'S GENERAL DENTAL, PLLC, et al.,

Defendants.  
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**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
DOC #:  
DATE FILED: 6/22/2020

19-CV-10765 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on November 20, 2019, (Doc. 1), and filed an amended complaint on March 6, 2020, (Doc. 15). Plaintiff served Defendant Tommy's West 231<sup>st</sup> Realities Inc. on March 10, 2020. (Docs. 15, 19.) The deadline for Defendant Tommy's West 231<sup>st</sup> Realities Inc. to respond to Plaintiff's complaint was March 31, 2020. (*See* Doc. 19.) To date, Defendant Tommy's West 231<sup>st</sup> Realities Inc. has not appeared or responded to the amended complaint. However, Plaintiff has taken no action to prosecute this case in light of Defendant Tommy's West 231<sup>st</sup> Realities Inc.'s failure to appear or respond. Accordingly, on June 2, 2020, I entered an order notifying Plaintiff of his obligation to continue prosecuting this case, and directing Plaintiff to file a status update no later than June 19, 2020, apprising me of his intent to continue prosecuting this case. (Doc. 24.) Plaintiff, however, has taken no further action to prosecute this case and failed to comply with my order seeking a status update.

Rule 41 authorizes dismissal "[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order." Fed. R. Civ. P. 41(b). The rule authorizes dismissal *sua sponte* or on motion of the opposing party. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Not only has Plaintiff failed to attempt to move this case

forward in the face of a non-answering defendant, Plaintiff has also failed to comply with my June 2, 2020 order.

Accordingly, it is hereby ORDERED that this action is DISMISSED pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: June 22, 2020  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly slanted style. The first letter "V" is large and prominent. The signature is positioned above a horizontal line.

Vernon S. Broderick  
United States District Judge